

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1069

FINAL READING

Introduced by Byars, 30

Read first time January 12, 2006

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to transportation; to amend sections 75-109.01,  
2 75-302, 75-370, and 75-371, Reissue Revised Statutes of  
3 Nebraska; to provide for reimbursement of transportation  
4 costs for eligible persons as prescribed; to eliminate  
5 certain provisions related to transportation of hazardous  
6 materials; to harmonize provisions; to repeal the  
7 original sections; and to outright repeal sections 75-383  
8 and 75-384, Reissue Revised Statutes of Nebraska.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 75-109.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           75-109.01 Except as otherwise specifically provided by  
4 law, the Public Service Commission shall have jurisdiction, as  
5 prescribed, over the following subjects:

6           (1) Common carriers, generally, pursuant to sections  
7 75-101 to 75-158;

8           (2) Grain pursuant to the Grain Dealer Act and the Grain  
9 Warehouse Act and sections 89-1,104 to 89-1,108;

10          (3) Manufactured homes and recreational vehicles  
11 pursuant to the Uniform Standard Code for Manufactured Homes and  
12 Recreational Vehicles;

13          (4) Modular housing units pursuant to the Nebraska  
14 Uniform Standards for Modular Housing Units Act;

15          (5) Motor carrier registration and safety pursuant to  
16 sections 75-301 to 75-322, 75-369.03, 75-370, and 75-371; ~~75-383,~~  
17 ~~and 75-384;~~

18          (6) Pipeline carriers and rights-of-way pursuant to  
19 sections 57-1301 to 57-1307 and 75-501 to 75-503;

20          (7) Railroad carrier safety pursuant to sections 74-918,  
21 74-919, 74-1323, and 75-401 to 75-430;

22          (8) Telecommunications carriers pursuant to the  
23 Automatic Dialing-Announcing Devices Act, the Emergency Telephone  
24 Communications Systems Act, the Enhanced Wireless 911 Services  
25 Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska

1 Telecommunications Regulation Act, the Nebraska Telecommunications  
2 Universal Service Fund Act, the Telecommunications Relay System  
3 Act, the Telephone Consumer Slamming Prevention Act, and sections  
4 86-574 to 86-580;

5 (9) Transmission lines and rights-of-way pursuant to  
6 sections 70-301 and 75-702 to 75-724;

7 (10) Water service pursuant to the Water Service  
8 Regulation Act; and

9 (11) Jurisdictional utilities governed by the State  
10 Natural Gas Regulation Act. If the provisions of Chapter 75  
11 are inconsistent with the provisions of the State Natural Gas  
12 Regulation Act, the provisions of the State Natural Gas Regulation  
13 Act control.

14 Sec. 2. (1) The Department of Health and Human Services  
15 Finance and Support may reimburse an individual for the costs  
16 incurred by such individual in the transportation of a person  
17 eligible to receive transportation services through the Nebraska  
18 Health and Human Services System if:

19 (a) The individual is under contract with the Nebraska  
20 Health and Human Services System and provides transportation to the  
21 eligible person; and

22 (b) The eligible person has chosen the individual to  
23 provide the transportation.

24 (2) The department shall reimburse for the costs incurred  
25 in the transportation at a rate no greater than that provided for

1 reimbursement of state employees pursuant to section 81-1176.

2 (3) Transportation provided to an eligible person by  
3 an individual pursuant to this section does not constitute  
4 transportation for hire.

5 (4) The department may adopt and promulgate rules and  
6 regulations to implement this section.

7 Sec. 3. Section 75-302, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 75-302 For purposes of sections 75-301 to 75-322 and  
10 section 2 of this act and in all rules and regulations adopted and  
11 promulgated by the commission pursuant to such sections, unless the  
12 context otherwise requires:

13 (1) Carrier enforcement division means the carrier  
14 enforcement division of the Nebraska State Patrol or the Nebraska  
15 State Patrol;

16 (2) Certificate means a certificate of public convenience  
17 and necessity issued under Chapter 75, article 3, to common  
18 carriers by motor vehicle;

19 (3) Civil penalty means any monetary penalty assessed by  
20 the commission or carrier enforcement division due to a violation  
21 of Chapter 75, article 3, or section 75-126 as such section applies  
22 to any person or carrier specified in Chapter 75, article 3; any  
23 term, condition, or limitation of any certificate or permit issued  
24 pursuant to Chapter 75, article 3; or any rule, regulation, or  
25 order of the commission, the Division of Motor Carrier Services,

1 or the carrier enforcement division issued pursuant to Chapter 75,  
2 article 3;

3 (4) Commission means the Public Service Commission;

4 (5) Common carrier means any person who or which  
5 undertakes to transport passengers or household goods for the  
6 general public in intrastate commerce by motor vehicle for hire,  
7 whether over regular or irregular routes, upon the highways of this  
8 state;

9 (6) Contract carrier means any motor carrier which  
10 transports passengers or household goods for hire other than  
11 as a common carrier designed to meet the distinct needs of each  
12 individual customer or a specifically designated class of customers  
13 without any limitation as to the number of customers it can serve  
14 within the class;

15 (7) Division of Motor Carrier Services means the Division  
16 of Motor Carrier Services of the Department of Motor Vehicles;

17 (8) Escort services means an attendant or caregiver  
18 accompanying a minor or persons who are physically, mentally,  
19 or developmentally disabled and unable to travel or wait without  
20 assistance or supervision;

21 (9) Highway means the roads, highways, streets, and ways  
22 in this state;

23 (10) Household goods means personal effects and property  
24 used or to be used in a dwelling, when a part of the equipment  
25 or supply of such dwelling, and similar property as the commission

1 may provide by regulation if the transportation of such effects or  
2 property, is:

3 (a) Arranged and paid for by the householder, including  
4 transportation of property from a factory or store when the  
5 property is purchased by the householder with the intent to use in  
6 his or her dwelling; or

7 (b) Arranged and paid for by another party;

8 (11) Intrastate commerce means commerce between any place  
9 in this state and any other place in this state and not in part  
10 through any other state;

11 (12) Motor carrier means any person other than a  
12 regulated motor carrier who or which owns, controls, manages,  
13 operates, or causes to be operated any motor vehicle used to  
14 transport passengers or property over any public highway in this  
15 state;

16 (13) Motor vehicle means any vehicle, machine, tractor,  
17 trailer, or semitrailer propelled or drawn by mechanical power  
18 and used upon the highways in the transportation of passengers  
19 or property but does not include any vehicle, locomotive, or car  
20 operated exclusively on a rail or rails;

21 (14) Permit means a permit issued under Chapter 75,  
22 article 3, to contract carriers by motor vehicle;

23 (15) Person means any individual, firm, partnership,  
24 limited liability company, corporation, company, association,  
25 or joint-stock association and includes any trustee, receiver,

1 assignee, or personal representative thereof;

2 (16) Private carrier means any motor carrier which  
3 owns, controls, manages, operates, or causes to be operated a  
4 motor vehicle to transport passengers or property to or from  
5 its facility, plant, or place of business or to deliver to  
6 purchasers its products, supplies, or raw materials (a) when such  
7 transportation is within the scope of and furthers a primary  
8 business of the carrier other than transportation and (b) when  
9 not for hire. Nothing in sections 75-301 to 75-322 shall apply to  
10 private carriers except sections 75-307 to 75-307.03 as they apply  
11 to private carriers; and

12 (17) Regulated motor carrier means any person who or  
13 which owns, controls, manages, operates, or causes to be operated  
14 any motor vehicle used to transport passengers, other than those  
15 excepted under section 75-303, or household goods over any public  
16 highway in this state.

17 Sec. 4. Section 75-370, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 75-370 Enforcement of sections 75-307 to 75-307.03, and  
20 75-309, ~~75-383~~, and ~~75-384~~ shall be carried out by the carrier  
21 enforcement division of the Nebraska State Patrol or the Nebraska  
22 State Patrol pursuant to the rules and regulations adopted and  
23 promulgated by the commission to enforce such sections. Any  
24 violation of such sections by any regulated motor carrier, motor  
25 carrier, or private carrier shall be referred to the commission for

1 disposition under section 75-156, and the commission may take any  
2 other action provided by section 75-133.

3 Sec. 5. Section 75-371, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 75-371 Any person, private carrier, common carrier, or  
6 contract carrier which operates any motor vehicle in violation  
7 of section 75-307, 75-307.01, 75-307.02, or 75-307.03, ~~75-383,~~  
8 ~~or 75-384~~ or any rule, regulation, or order of the commission  
9 pertaining to any of such sections shall be guilty of a Class IV  
10 misdemeanor. Each day of such violation shall constitute a separate  
11 offense.

12 Sec. 6. Original sections 75-109.01, 75-302, 75-370, and  
13 75-371, Reissue Revised Statutes of Nebraska, are repealed.

14 Sec. 7. The following sections are outright repealed:  
15 Sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.